

Remarks

Claims 1, 2, 4, 9, 14, 16, 24, 28, 30, 31, 33, 35 and 40-50 are pending.

The present claims are rejected under 35 USC 103(a) as being unpatentable over Kvita, et al, U.S. Pat. No. 6,291,412 in view of Willey, et al., U.S. Pat. No. 6,407,049 or Kitko, et al., U.S. 2003/0232734 or Cottrell, et al., US 4,299,717.

Applicants respectfully note that the instant rejections are similar to the previous rejections with the optional inclusion of Cottrell. Applicants respectfully refer to their prior arguments and supplement them with the additional comments below.

The primary reference, Kvita provides granules comprising, by weight based on the total weight of the granule,

- a) 2 to 50 % of a water-soluble phthalocyanine compound,
- b) 10 to 95 % of an anionic dispersing agent
- c) 0 to 25% of a water-soluble organic polymer,
- d) 0 to 10 % of a further additive,
- e) 3 to 15 % water.

Instant claim 1 provides granules comprising, by weight based on the total weight of the granule,

- a) 5 to 20 % of a water-soluble phthalocyanine compound,
- b) 12 to 55 % of an anionic dispersing agent and/or at least one water-soluble organic polymer,
- c) 25 to 70 % of an inorganic salt and/or a low-molecular-weight organic acid or a salt thereof,
- d) 0 to 10 % of a further additive,
- e) 3 to 15 % water.

While Kvita allows for the presence of other conventional additives, which may be various inorganic salts, the granules of Kvita allow only 0 to 10% of other additives. The instant claim requires at least 25% of an inorganic salt and/or a low-molecular-weight organic acid or a salt thereof. Applicants respectfully aver that at first glance, there is no room in the granules of Kvita for the required salts etc of the instant claim 1 and that the granules are therefore quite different.

This by no means is an attempt to argue the references separately, as the secondary references cited do allow for larger amounts of salts. However, Applicants respectfully disagree with the Examiner's conclusion that the teachings of Willey, Kitko or Cottrell are as readily applied as argued in the present Action.

Willey discloses a composition comprising a singlet oxygen generator similar to the phthalocyanine of instant claim 1. Applicants respectfully point out that Willey teaches compositions that contain at most 10,000 ppm, i.e., 1% of the phthalocyanine. This is well outside the 5% phthalocyanine of instant claim 1 and Applicants submit that taken in light of the rest of the teachings in Willey, the composition of Willey is quite different than the instant granules are the granules of Kvita. Applicants therefore submit that one skilled in the art would not consider Willey when seeking a solution to the problems faced by the inventors, nor does the generic disclosure of fillers etc in Willey provide any guidance to the selection of the material of component c in instant claim 1.

Kitko discloses particles which may be present in compositions such as detergents etc. The only component of the particles required, according to the description, in the particles of Kitko is a bleach catalyst. In claim 1 of Kitko a protective agent is also required. The only clear teaching regarding the protecting agent in the description is found in paragraphs 39-41. The only clear teaching regarding the identity of the protecting agent is found in paragraph 41, an ingredient which has an active effect on a detergent or a bleach activator. While it can be argued that these are only "preferred embodiments, there is no other description of the physical composition of the protecting agent in Kitko.

Kitko also provides an optional "coating" for the particles paragraph 76. The coatings "may be any water soluble layer known in the art" including water soluble salts. Again, there is no specific teaching regarding the coating except for "preferred ranges", i.e. no more than 20%, no more than 10%. Applicants maintain that the absence of any further description constitutes a teaching which would direct one skilled in the art to the minimum 25% salts of instant claim 1.

Applicants further note that the particles of Kitko can also be used along with further adjuncts, paragraph 78. These adjuncts, such as the salts of paragraph 94 are not part of the particles and have no bearing on the particles of the instant invention or the other cited art. Applicants respectfully aver that there is no suggestion to one skilled in the art to incorporate the salts into the particles.

Cottrell provides phosphate containing particles.

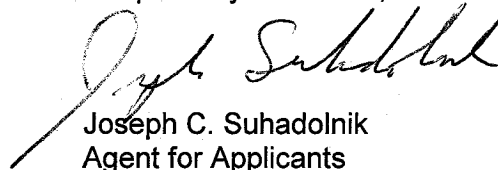
It is the Examiner's position that it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use an alkali metal carbonate, sulfate or citrate in the granule taught by Kvita et al. with a reasonable expectation of success, because Willey et al. teach the use of alkali metal carbonates, sulfates or citrates as filler salt material in a similar granular composition and further, filler salts are conventionally used in granular compositions to provide increased substance and enhanced solubility to the granule.

Applicants respectfully point to the above discussion and reiterate that the composition of Willey, with the extremely low level of phthalocyanine are quite different in their chemical make up from the granule of the instant invention or the granules of Kvita and would not be considered as providing any useful teaching regarding the problem confronting the inventors. Applicants therefore respectfully aver that there is no art cited that sufficiently links the teachings of Kitko or Cottrell to the instant particles.

The MPEP requires that the art taken as a whole would direct the inventor to the selection of each element of the claims when seeking a solution to the problem faced by the inventors. Applicants agree that compositions can be identified which contain individual elements of the instant claims, however, Applicants take the position that one skilled in the art would find no suggestion to select and combination of each of the instant elements in a single particle to accomplish any particular purpose.

In view of this discussion, Applicants submit that the 35 USC 103(a) rejections are addressed and are overcome and kindly ask that the Examiner withdraw the present rejections and find the instant claims allowable.

Respectfully submitted,



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